

EXHIBIT MM

JOSH TESTONE June 3, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a)
Delaware corporation, ORACLE)
USA, INC., a Colorado)
corporation, and ORACLE)
INTERNATIONAL CORPORATION,)
a California corporation,)
)
Plaintiffs,)
)
VS.) CASE NO. 07-CV-0658
)
SAP AG, a German corporation)
SAP AMERICA, INC., a Delaware)
corporation, TOMORROWNOW,)
INC., a Texas corporation,)
and DOES 1-50, inclusive,)
)
Defendants.)

HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY

ORAL/VIDEO DEPOSITION OF

JOSH TESTONE

JUNE 3, 2009

ORAL/VIDEO DEPOSITION OF JOSH TESTONE, produced as a witness at the instance of the Plaintiffs, was duly sworn, was taken in the above-styled and numbered cause on the JUNE 3, 2009, from 8:33 a.m. to 12:52 p.m., before Chris Carpenter, CSR, in and for the State of Texas, reported by machine shorthand, at the Rotunda

JOSH TESTONE June 3, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 138

1
2
3
4
5
6
7
8
9
10
11

12 Q. (By Ms. Hann) Did Titan itself require that
13 the ID being used belonged to a customer paying for
14 Oracle support?

15 MR. WILKES: Objection, form.

16 A. No.

17 Q. (By Ms. Hann) Was there anything to stop a
18 Titan user -- speaking just about the program -- did the
19 program do anything to stop a Titan user from using
20 expired credentials?

21 MR. WILKES: Objection, form.

22 A. Not that I'm aware of.

23
24
25

163

1 _____, 2009; and if returned, the original
2 transcript will forwarded to Bree Hann, the custodial
3 attorney;

4 That the amount of time used by each party at the
5 deposition is as follows:

6 Ms. Hann: 3 hours, 14 minutes

7 I further certify that I am neither counsel for,
8 related to, nor employed by any of the parties or
9 attorneys in the action in which this proceeding was
10 taken, and further that I am not financially or
11 otherwise interested in the outcome of the action.

12 Certified to by me this 8th day of June,
13 2009.



14
15 *Chris Carpenter*
16 Chris Carpenter, Texas CSR 1151
17 Expiration Date: 12/31/2010
18 805 W. 10th Street
19 Austin, TX 78701
20 (512) 478-2762
21
22
23
24
25

19 Firm Registration No. 17
20
21
22
23
24
25